

# **Credit River Township**

## **Meeting Minutes**

### **August 6, 2007**

#### **Call to Order**

Chairman Dan Casey called the general meeting to order at 7:05 pm.

#### **Members Present:**

Chairman Dan Casey, Supervisor Leroy Schommer, Supervisor Bruce Nilsen

#### **Others Present:**

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Jeff Elliott

#### **Meeting Minutes**

Chairman Dan Casey asked Clerk Jerry Maas to summarize the minutes from July 16, 2007.

The board had a question regarding Coles Landing and asked Engineer Jeff Elliott to review this and report back at the next meeting.

Supervisor Bruce Nilsen made a motion to approve the minutes as read. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

#### **Treasurers Report**

##### **1). Township Escrow Policy**

Treasurer Holly Batton asked for a clarification on the Township Escrow Account policy. She would like direction on what minimum balance should be maintained in each account.

Supervisor Bruce Nilsen suggested that Treasurer Batton communicate with Engineer Jeff Elliott to determine minimum amounts.

Treasurer Batton suggested that she put together some proposals for the next meeting.

##### **2). Budget for 2008**

Treasurer Batton also noted that the meeting to finalize the levy for 2008 will be coming up at the September 4<sup>th</sup> meeting and she is suggesting a budget meeting be set up prior to this to discuss recommendations for the 2008 budget.

The Board asked a meeting be scheduled for 6:00 pm on August 20<sup>th</sup> prior to the next regular Township meeting.

#### **Sheriff's Report**

No report this evening.

#### **Resident's Group Report**

No report this evening.

## Open Forum

- 1) Treasurer Holly Batton noted that a resident in Scottsview Estates has taken it upon himself to water the trees in the park and suggested that a letter of appreciation be sent out. The board thought this appropriate and asked Holly to write that letter.
- 2) Supervisor Leroy Schommer asked that we schedule an agenda item for the next meeting to discuss snow plowing plans for next winter season.
- 2) Resident Carolyn Schulte asked about progress on purchasing the property at County Road 68 and County Road 27 (Texas Ave.). Supervisor Dan Casey noted that it was his understanding that the County is actively pursuing this purchase.

## Agenda Items

- 1) **Jim Walkowiak – Minneapolis Gun Club – Request recommendation for Conditional Use Permit (CUP) to operate a gun range at 20006 Judicial Road**

Mr. Walkowiak presented background information on his request and noted that the Minneapolis Gun Club had in fact received an amended CUP in 1997 and through an administrative error, the document was never formally approved by Scott County and that this request is meant to correct that error...

Supervisor Leroy Schommer made a motion to approve this request, Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

- 3) **Troy Jackson – Troyco Concrete – Request recommendation for an Interim Use Permit (IUP) to operate a concrete business as a home-extended business at 9857 Credit River Blvd.**

Mr. Jackson is requesting an Interim Use Permit to operate a home extended business for a concrete business.

Supervisor Bruce Nilsen noted that at the DRT meeting a question arose on a fuel tank on the property. Mr. Jackson indicated that he has complied with the county requests.

Supervisor Bruce Nilsen also asked about the question of proper screening on the property and once again Mr. Jackson noted that this has been resolved.

Supervisor Bruce Nilsen made a motion to approve this request. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 - 0.

- 4) **Carey Mattison – Scott Soil and Water Conservation District – Review Sediment and Erosion Inspection/Enforcement procedures**

Mr. Mattison noted that at the previous meeting the Board had some questions regarding the inspection services Scott Soil and Water Conservation District (SWCD) has been providing under contract for sediment and erosion control on construction sites and development.

He noted that in cases of developments, the plans are reviewed by Scott County Environmental Department and a grading plan is prepared. SWCD uses this document to verify compliance.

SWCD inspects weekly on Monday and in cases of violations, a written notice is prepared and sent to the builder/developer. If on re-inspection, the violation has not been rectified, a formal Letter of Warning is issued.

Mr. Mattison noted that SWCD does not have enforcement authority and that they rely on Scott County building officials and the Code Enforcement Officer to follow-up on those projects who fail to cooperate.

A summary sheet of residential site inspections is issued to the building inspector who generally provides enforcement services. After discussion with SWCD personnel a determination is made as to what course of action will be pursued.

Upon completion of a residential building project, a final inspection notice is sent to the Township alerting them to issue a refund of the escrow deposit.

Chairman Dan Casey noted that there have been instances where enforcement seems to have lagged.

Supervisor Bruce Nilsen noted that a property on Killarney Ave has been a problem and progress to rectify the violation has been slow.

Mr. Mattison noted that this was a case of an un-permitted land disturbance and that violations end up directly with the County Code Enforcement Officer and aren't always processed in a timely fashion.

Supervisor Bruce Nilsen noted that he felt that the Board has not been involved to the degree that they would like. Chairman Dan Casey asked that we try to improve the process between the Notice of Violation and the Stop Work Order and that the Board be notified earlier in the process.

As an additional note, Mr. Mattison noted that the property in Century Hills that caused problems in the past is now out of compliance again. Mr. Mattison will contact Supervisor Bruce Nilsen to investigate the issue and find a solution.

On another issue, Mr., Mattison noted that there are a number of completed houses that are vegetated, but not landscaped completely. Chairman Casey suggested that if they are vegetated, we ought to complete the project and refund the escrow.

**5) Mark Zweber – Developer – Request Final Plat Approval / Developer's Agreement for Liberty Creek Project**

Engineer Jeff Elliott opened with a presentation outlining Mr. Zweber's request.

Supervisor Bruce Nilsen asked why it has taken a year to address the design of the turn lanes required. Mr. Zweber noted that it was his understanding that these would be required at the time grading plans were presented.

Chairman Dan Casey noted that was not the his understanding

Mr. Zweber introduced his attorney, Mr. James Walsten, and asked him to discuss the developer's agreement currently in the process of being prepared.

Mr. Walsten wished to pursue a number of points in the developer's agreement in hopes of informing the board of the outstanding issues in an attempt to expedite resolution.

- 1) The first item is that the agreement as written would not prevent the county from changing its current sub-division rules in the future which would impact his project and his client can't agree to that.

Supervisor Bruce Nilsen observed that the board had not received the construction plans as required for this meeting.

Chairman Casey noted that he felt un-comfortable conducting discussions without Township Counsel being present and made motion to table any further discussions. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 - 0.

**6) Engineers Report**

**a) Monterey Ponds**

Engineer Jeff Elliott noted that the developer's engineer, Halling Engineering has prepared a letter of certification that the project meets specifications.

Mr. Elliott's has two remaining concerns. He is recommending that the silt fence be taken down and that the road be shouldered. Cost for this work estimated to be \$1745. The developer is out of funds and unable to comply with this request.

Supervisor Schommer noted that there are fence posts in the ditch also that were probably installed to hold the erosion hay bales in place. These would need to be removed also.

The board instructed Engineer Elliott to give Mr. Ray Miller, the developer until August 24<sup>th</sup> to pay up the escrow. Including the work specified above or we will draw on the Letter of Credit as well as collect the outstanding escrow balance.

The board asked clerk Maas to review the authority to collect the LOC and associated costs.

**b) Harvest Hills**

Engineer Jeff Elliott is recommending approval of the project.

As far as the seal coating issue is concerned, Mr. Elliott noted that the work has been completed to an acceptable level based on his professional opinion. In fact, he feels the "trap rock" is in fact a superior product.

Supervisor Bruce Nilsen made a motion to approve the project assuming the 2 year warranty begins as of 8/6/07 and that the Letter of Credit be reduced to the minimum of \$15,000. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

The board asked that a \$500.00 minimum escrow be kept on deposit.

**c) Grey Fox 3 and 5**

A question arose as to the second access resident Cecil Anderson has installed on the cul-de-sac to the rear of the property, that being isn't he required to close the access to County Road 68?

Mr. Elliott will investigate and will be prepared to issue a recommendation on both projects in their entirety at the September meeting.

It was noted that the warranty on Margaret runs until 8/29/08.

**d) South Passage**

Engineer Elliott noted that he asked the developer to repair the curb on Amber Drive. He also needs to clean out the storm sewers.

Chairman Casey noted that while the warranty has expired on the road, the project can't be formally accepted by the township since there are outstanding issues.

**e) Stoneridge**

The developer understands that the warranty runs until 12/4/08 and the Letter of Credit will have to be renewed on 12/31/07 for the minimum of \$20,000.

**f) Stonebridge**

Engineer Elliott noted that the developer is working toward completion of the project. They have deposited \$5000 in the escrow account.

The project is currently in a “default status”.

The board asked that clerk Maas contact Bob Ruppe for advice as the default gives the developer until 8/16 to arrange payment arrangements.

**g) Thoroughbred Acres**

The developer has deposited money to clear the escrow deficiency. He has also swept the road, but needs to install the erosion control devices.

Clerk Maas will notify the developer of the Board’s wishes that he keep the escrow account in a positive position and that building permits will be withheld under terms of the developer’s agreement.

**h) Territory 1**

Engineer Elliott reported that the developer is working on a modification in CSTS Number 1 to a mound to address the “weeping” issue.

**7) Other Business**

**a) Review Letter from EcoCheck to MPCA**

EcoCheck detected a construction problem in the CSTS system in Stonebridge causing a discharge in violation of the permit.

EcoCheck has composed a response to the Minnesota Pollution Control Agency and wanted the board to review the letter prior to sending it in. The Board indicated that the letter was acceptable.

**b) Comments on the Fire Contract**

Chairman Dan Casey noted that we had seen a substantial increase in the amount proposed for 2008. He suggested that we ask Prior Lake for some detail to justify the \$45,000 increase.

It was also suggested that we look into alternative sources of Fire Protection, Lakeville, New Market and Savage.

- 1) What is the basis of the valuation?
- 2) What are the arrangements for mutual aid and corresponding boundaries
- 3) Where is equipment mentioned in the agreement housed

**c) Further Discussion – Liberty Creek**

Liberty Creek attorney James Walsten asked permission to re-address the board regarding this project.

He noted that in his opinion, the definition of “approved plans” does not include plans for construction of the turn-lanes.

The board disagreed.

Mr. Walsten raised an issue about the developer’s responsibility to repair damage caused by the township.

He also raised a question about the ownership of the drainage ponds and if they are eligible for wetland banking, does the Township have a problem with it?

He raised a question about noxious weeds and the specified height of 12 inches.

He also raised a question about the road barricade requirement. Would we be open to barricading Sundance to keep Territory construction traffic out of Liberty Creek? Chairman Dan Casey indicated that they did not see a problem with that.

Bryce Huemoller, attorney for landowner Myles Meares, noted that the developer's agreement identifies Mr. Meares as "the developer" in three instances and wanted to ask for a correction. Mr. Maeres is the "Landowner".

**d) Fall Clean Up Days**

The board has received a letter from the City of Prior Lake asking about the township's interest in participating in the Fall Clean Up days project.

Supervisor Leroy Schommer made a motion approving Credit River Township's participation in the Fall Clean up Days program. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

Because it seems that few people are aware of this effort, the Board asked Clerk Jerry Maas to send a notice to the Lakeville paper announcing it.

**e) Request for Approval to Hold Fundraiser at Legends.**

The Savage Fire department has requested that the Township approve its request to hold a Fundraiser Dinner at the Legends where some charitable gambling will take place.

Supervisor Leroy Schommer made a motion to approve this request, Supervisor Dan Casey offered a second, all in favor, motion carried 3 – 0

**f) Storm Sewer Mapping Proposal**

Engineer Jeff Elliott reviewed his proposal to map the storm water system in order to comply with the NPDES requirements.

Chair Casey asked Engineer Elliott to determine what the county has already prepared in the way of storm water mapping and report back by next meeting.

## **Review and Pay Bills**

The Town Board approved and paid the following claims:

8/6/2007	3881	Mike's Septic	Town Hall Pumping	\$	235.00
8/6/2007	3882	One Call Concepts	Utility Locates	\$	37.70
8/6/2007	3883	A-1 Stripes Inc	Country Court BB Court	\$	250.00
8/6/2007	3884	Scott Soil & Water Con Dist	June Inspections	\$	2,800.00
8/6/2007	3885	Couri Macarthur & Ruppe	June Legal Expenses	\$	6,767.00
8/6/2007	3886	Jacques Whitford EcoCheck	June CSTS O & M	\$	4,894.83
8/6/2007	3887	Hakanson Anderson Inc	June Engineering	\$	13,173.71
8/6/2007	3888	Xcel Energy	St Francis St Light	\$	12.21
8/6/2007	3889	Scott County Treasurer	Crack Sealing	\$	5,471.86
8/6/2007	3890	CenterPoint Energy	Town Hall Gas	\$	10.12
8/6/2007	3891	Northwest Assoc Consult	July Plan/Zone	\$	1,929.00
8/6/2007	3892	Art Johnson Trucking	July Road Maint	\$	1,551.00
8/6/2007	3893	Northwest Bituminous	Asphalt Patching	\$	8,812.80

8/6/2007	3894	Collins Tree	Tree Trimming	\$	852.00
8/6/2007	3895	Dale Kuchinka	Ditch Mowing	\$	1,200.00
8/6/2007	3896	ECM Publishers	Legal Adv - Lakeville	\$	28.50
8/6/2007	3897	Dennis Karow	Mound Cutting	\$	1,682.70
8/6/2007	3898	Dennis Karow	Park Lawn Care	\$	521.85
8/6/2007	3899	Darrell Lake	Refund Escrow Balance	\$	470.50
8/6/2007	3900	Legends	Refund Escrow Balance	\$	70.50
8/6/2007	3901	On Site Marketing	Refund Escrow - Blichfeldt	\$	239.40
8/6/2007	3902	Dick/Andrea Boecker	Refund Escrow Balance	\$	83.00
8/6/2007	3903	Void		\$	-
8/6/2007	3904	Susan J West	Cancel Bldg Permit	\$	3,575.00
8/6/2007	3905	MVEC	South Passage Lift Station	\$	46.65
8/6/2007	3906	MVEC	Monterey Hgts Lift Station	\$	37.33
8/6/2007	3907	MVEC	Town Hall Electricity	\$	71.81
8/6/2007	3908	CLB Homes	Refund NPDES/Culvert Esc.	\$	2,250.00
8/6/2007	3909	Lecy Bros Homes	Refund NPDES/Culvert Esc.	\$	2,300.00
8/6/2007	3910	Grant Ostvig	Refund NPDES/Culvert Esc.	\$	2,350.00
8/6/2007	3911	A Maas Construction	Refund NPDES/Culvert Esc.	\$	2,010.00
8/6/2007	3912	Anotoly Tabakov	Refund NPDES/Culvert Esc.	\$	2,400.00
8/6/2007	3913	Olympic Construction	Refund NPDES Escrow	\$	1,940.00
8/6/2007	3914	Xpand Inc	Refund NPDES Escrow	\$	420.00
8/6/2007	3915	Void	Refund NPDES Escrow	\$	-
8/6/2007	3916	Geckler & Associates	Refund NPDES Escrow	\$	1,700.00
8/6/2007	3917	J B Woodfitter	Refund NPDES/Culvert Esc	\$	2,170.00
8/6/2007	3918	Brenner Construction	Refund Culvert Escrow	\$	600.00
8/6/2007	3919	Lecy Bros Construction	Refund Culvert Escrow	\$	600.00
8/6/2007	3920	Lennar Corp	Refund Culvert Escrow	\$	600.00
8/6/2007	3921	David Ingalls	Refund Culvert Escrow	\$	600.00
8/6/2007	3922	A Maas Construction	Refund Culvert Escrow	\$	600.00
8/6/2007	3923	Jerry Maas	July Expense Reimburse	\$	324.92
8/6/2007	3924	Lecy Construction	NPDES Refund	\$	1,610.00
8/6/2007	3925	Wooddale Builders		\$	1,670.00
8/6/2007	3926	Bruce Nilsen	July Expenses	\$	85.89
8/6/2007	3927	Leroy Schommer	July Expenses	\$	68.43
8/6/2007	3928	Dan Casey	July Expenses	\$	201.68
8/6/2007	3929	Holly Batton	Services as Treasurer	\$	1,371.11
8/6/2007	3930	Dan Casey	Services as Supervisor	\$	664.92
8/6/2007	3931	Jerald R Maas	Services as Clerk	\$	3,324.60
8/6/2007	3932	Bruce Nilsen	Services as Supervisor	\$	720.33
8/6/2007	3933	Leroy Schommer	Services as Supervisor	\$	1,025.09

## Adjourn

There being no further business before the Town Board, Supervisor Bruce Nilsen made a motion to adjourn, Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 - 0. The meeting adjourned at 10:40 pm.

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Submitted By: (s/) Jerald R. Maas  
Township Clerk  
Credit River Township

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Approved By: (s/) Dan Casey  
Chairman Board of Supervisors  
Credit River Township